

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TAMARA M. LOERTSCHER,

Plaintiff,

v.

ORDER

ELOISE ANDERSON, BRAD D. SCHIMEL, and
TAYLOR COUNTY,

14-cv-870-jdp

Defendants.

On November 14, 2016, the court granted the American College of Obstetricians and Gynecologists, the American Society of Addiction Medicine, and the American Public Health Association leave to participate in this case as amici curiae. Dkt. 175 and Dkt. 185. Now the state defendants have moved for reconsideration of that order, arguing that the amici brief merely duplicates Loertscher's position and relies on expert evidence not disclosed in discovery. Dkt. 186. According to the state defendants, the amici brief cites articles and policy statements on which no experts in this case have relied and that "[t]his is a back-door attempt to introduce untimely expert testimony[.]" *Id.* at 4.

The court has the discretion to accept an amicus brief, if it would be helpful. *Voices for Choices v. Ill. Bell Tel. Co.*, 339 F.3d 542, 544 (7th Cir. 2003). The amici's experience in the fetal, neonatal, and maternal health fields and their insights regarding substance abuse are no doubt relevant to this case, and their brief may prove helpful to the court. Any legal analysis advanced in the amici brief will likely overlap with Loertscher's, but the amici apply scientific, medical, and public health perspectives that Loertscher herself cannot provide. The court is aware that not every journal article reflects established scientific knowledge, but the amici are in a position to guide the court through the literature.

The court will welcome defendants' thoughtful criticism of the merits of the amici brief. But the state defendants' motion for reconsideration of the decision to accept the amici brief, Dkt. 186, is denied.

Entered December 1, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge